

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

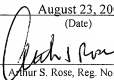
Applicant : Peter R. Ellis et al.
Appl. No. : 09/251,218
Filed : February 16, 1999
For : PRODUCT CONFIGURATION
DISPLAY SYSTEM AND
METHOD WITH USER
REQUESTED PHYSICAL
PRODUCT ALTERATIONS
Examiner : Pierre E. Elisca
Group Art Unit : 3621

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August 23, 2007

(Date)



Arthur S. Rose, Reg. No. 28,038

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Reasons for Allowance in the Notice of Allowability mailed May 23, 2007, Applicants respectfully submit the following comments.

General Comments

This paper relates to the Notice of Allowance for application no. 09/251,218, mailed on May 23, 2007. The Applicants object to the Examiner's comments in the Examiner's "Reasons for Allowance" because the Examiner for the first time cites two new reference which do not appear to be prior art and are for this reason alone entirely irrelevant to the claims in the instant application. The Applicants ask that the Examiner's comments regarding these references be withdrawn.

The objection made herein concerns the Examiner's comments regarding application US 20040113945 ("the '945 application"), which was filed on December 12, 2002, well over three years after the filing of the instant application and a Japanese patent publication JP 10097648A ("the Japanese application") to Lauzon published on April 14, 1998 less than a year before the instant application was filed. The '945 application is clearly not prior art to the instant application. The Japanese application is not prior art as a printed publication and as far as Applicants can determine the Japanese application has not issued as a patent.

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As indicated above, the '945 application and the Japanese application are not prior art and they are being raised for the first time by the Examiner in the Reasons for Allowance. The Examiner's comments relating to the '945 application and the Japanese application in the Examiner's Reasons for Allowance are completely irrelevant to the reasons for allowance of this application and should be withdrawn as not being in compliance with MPEP § 1302.14(I). Applicants' have not reviewed the '945 application or the Japanese application as the Examiner has not used either of these references as the basis for a rejection of any of the claims. Applicants specifically object to the Examiner's characterization of the '945 application and the Japanese application because these references are not in any way relevant to the reasons for allowance, the claimed invention or to the Kenny reference. Further, Applicants do not acquiesce in the Examiner's characterization of any of the references discussed in the reasons for allowance. It is the claims which define the scope of the invention and Applicants' believe that the reasons for allowance of these claims are clear from the prosecution history.

As set forth above, the portion of the Examiner's Reasons for Allowance wherein the Examiner discusses for the first time the newly cited '945 application and the Japanese application is clearly irrelevant and not in compliance with MPEP § 1302.14(I). Thus, Applicants respectfully request that the Examiner's statements in the Reasons for Allowance relating to the '945 application and the Japanese application be withdrawn.

Reservation of Rights

Applicants reserve the right to present arguments contrary to the Examiner's characterization of the references of record during the prosecution of any descendant application. Applicants also reserve the right to present claims in any descendant application that lack some or all of the limitations explicitly listed by the Examiner.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/23/07

By: Arthur S. Rose

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